

Matthew Franklin Jaksa (CA State Bar No. 248072)
HOLME ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Telephone: (415) 268-2000
Facsimile: (415) 268-1999
Email: matt.jaksa@hro.com

ORIGINAL
FILED

SEP 20 2007

E-filing

RICHARD W. VIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Attorneys for Plaintiffs,
LAFACE RECORDS LLC; CAPITOL RECORDS,
INC.; WARNER BROS. RECORDS INC.; UMG
RECORDINGS, INC.; BMG MUSIC; and ARISTA
RECORDS LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAFACE RECORDS LLC, a Delaware limited
liability company; CAPITOL RECORDS, INC.,
a Delaware corporation; WARNER BROS.
RECORDS INC., a Delaware corporation; UMG
RECORDINGS, INC., a Delaware corporation;
BMG MUSIC, a New York general partnership;
and ARISTA RECORDS LLC, a Delaware
limited liability company,

Plaintiffs,

v.

JOHN DOE ,

Defendant.

CASE NO.

007-04875

JF
RS

**EX PARTE APPLICATION FOR LEAVE
TO TAKE IMMEDIATE DISCOVERY**

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26
2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum
3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular
6 sound recordings in the United States, seek leave of the Court to serve limited, immediate discovery
7 on a third party Internet Service Provider ("ISP") to determine the true identity of Defendant John
8 Doe ("Defendant"), who is being sued for direct copyright infringement.

9 2. As alleged in the complaint, Defendant, without authorization, used an online
10 media distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted
11 works to the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have
12 identified Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the date
13 and time of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents
15 that identify Defendant's true name, current (and permanent) address and telephone number, e-mail
16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot
17 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated
18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in
20 advance of a Rule 26(f) conference where there are no known defendants with whom to confer.

21
22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the
2 foregoing requested discovery immediately.

3
4 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

5
6 By: 

MATTHEW FRANKLIN JAKSA
Attorney for Plaintiff
LAFACE RECORDS LLC; CAPITOL
RECORDS, INC.; WARNER BROS.
RECORDS INC.; UMG RECORDINGS,
INC.; BMG MUSIC; and ARISTA
RECORDS LLC